



U.S. ENVIRONMENTAL PROTECTION AGENCY

Grant Agreement

ASSISTANCE ID NO.

| PRG | DOC ID | AMEND# |
|------|----------|--------|
| CD - | 00T54201 | - 0 |

DATE OF AWARD
09/02/2010

TYPE OF ACTION
New

MAILING DATE
09/09/2010

PAYMENT METHOD:
Advance

ACH#
90103

RECIPIENT TYPE:
Indian Tribe

Send Payment Request to:
Las Vegas Finance Center, Fax (702) 798-2423

RECIPIENT:

PAYEE:

Washoe Tribe of NV & CA
919 Highway 395 South
Gardnerville, NV 89410
EIN: 88-0120754

Washoe Tribe of NV & CA
919 Highway 395 South
Gardnerville, NV 89410

PROJECT MANAGER

Marie Barry
919 Highway 395 South
Gardnerville, NV 89410
E-Mail: marie.barry@washoetribe.us
Phone: 775-265-8682

EPA PROJECT OFFICER

Stephanie Wilson
75 Hawthorne Street, WTR-10
San Francisco, CA 94105
E-Mail: Wilson.Stephannie@epa.gov
Phone: 775-885-6190

EPA GRANT SPECIALIST

GwenL Brown
Grants Management Office, MTS-7
E-Mail: Brown.GwenL@epa.gov
Phone: 415-972-3661

PROJECT TITLE AND DESCRIPTION

Wetlands Protection Development - Monitoring and Assessment

The Washoe Tribe of Nevada and California will build on past wetland protection program work to strengthen their wetland program. The Washoe Tribe will monitor and assess tribal wetlands, create a comprehensive wetland database to track the extent and distribution of tribal wetlands, develop a Tribal Monitoring and Assessment Strategy, and provide wetland education and outreach on wetland monitoring to Tribal members. These activities will help develop the Tribe's wetland protection program.

This award provides EPA funding in the amount of \$122,386 towards these activities.

BUDGET PERIOD

10/01/2010 - 03/31/2012

PROJECT PERIOD

10/01/2010 - 03/31/2012

TOTAL BUDGET PERIOD COST

\$163,181.00

TOTAL PROJECT PERIOD COST

\$163,181.00

NOTICE OF AWARD

Based on your application dated 05/06/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$122,386. EPA agrees to cost-share 75.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$122,386. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS

U.S. EPA, Region 9
Grants Management Office, MTS-7
75 Hawthorne Street
San Francisco, CA 94105

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, Region 9
Water Division, WTR-1
75 Hawthorne Street
San Francisco, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

Digital signature applied by EPA Award Official

TYPED NAME AND TITLE

Carolyn Truong, Grants Management Officer

DATE

09/02/2010

AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Waldo Walker, Chairman

DATE

9/16/2010

(E)

EPA Funding Information

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| FUNDS | FORMER AWARD | THIS ACTION | AMENDED TOTAL |
|-------------------------------|--------------|-------------|---------------|
| EPA Amount This Action | \$ | \$ 122,386 | \$ 122,386 |
| EPA In-Kind Amount | \$ | \$ 0 | \$ 0 |
| Unexpended Prior Year Balance | \$ | \$ 0 | \$ 0 |
| Other Federal Funds | \$ | \$ 0 | \$ 0 |
| Recipient Contribution | \$ | \$ 40,795 | \$ 40,795 |
| State Contribution | \$ | \$ 0 | \$ 0 |
| Local Contribution | \$ | \$ 0 | \$ 0 |
| Other Contribution | \$ | \$ 0 | \$ 0 |
| Allowable Project Cost | \$ 0 | \$ 163,181 | \$ 163,181 |

| Assistance Program (CFDA) | Statutory Authority | Regulatory Authority |
|-------------------------------------------------------|---------------------------------|----------------------------|
| 68.461 - Regional Wetlands Program Development Grants | Clean Water Act: Sec. 104(b)(3) | 40 CFR PTS 31 & 35 SUBPT B |

| Fiscal | | | | | | | | | |
|-----------|------------|----|--------------|---------------------|---------|--------------|--------------|-------------------|---------------------------|
| Site Name | Req No | FY | Approp. Code | Budget Organization | PRC | Object Class | Site/Project | Cost Organization | Obligation / Deobligation |
| - | 1009W0E125 | 10 | E1 | 09LA0D5 | 403B07E | 4153 | | | 122,386 |
| | | | | | | | | | 122,386 |

| Table A - Object Class Category (Non-construction) | | Total Approved Allowable Budget Period Cost |
|---------------------------------------------------------------------|--|------------------------------------------------|
| 1. Personnel | | \$83,291 |
| 2. Fringe Benefits | | \$31,354 |
| 3. Travel | | \$3,500 |
| 4. Equipment | | \$15,019 |
| 5. Supplies | | \$2,135 |
| 6. Contractual | | \$5,000 |
| 7. Construction | | \$0 |
| 8. Other | | \$7,830 |
| 9. Total Direct Charges | | \$148,129 |
| 10. Indirect Costs: % Base | | \$15,052 |
| 11. Total (Share: Recipient <u>25.00</u> % Federal <u>75.00</u> %.) | | \$163,181 |
| 12. Total Approved Assistance Amount | | \$122,386 |
| 13. Program Income | | \$0 |
| 14. Total EPA Amount Awarded This Action | | \$122,386 |
| 15. Total EPA Amount Awarded To Date | | \$122,386 |

Administrative Conditions

1. An Interim Federal Financial Report (FFR), Standard Form 425, covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, no later than December 31 of the same calendar year. **The initial FFR is due December 31, 2011.** The final FFR covering the entire project period shall also be submitted within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 30.52(a)(1)(iv) and 30.71(a), or Part 31.23(b) and 31.41(b) (as applicable). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

2. In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:

Federal Audit Clearinghouse
1201 East 10th Street
Jeffersonville, IN 47132

For fiscal periods 2008 and beyond the recipient **MUST** submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

3. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements as set forth in 40 CFR Part 33. The EPA DBE rule can be accessed at <http://www.epa.gov/osbp>. In addition, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply with 40 CFR Section 33.301. Records documenting compliance with the six good faith efforts shall be retained.

Pursuant to 40 CFR, Section 33.412, Tribal and Insular Area recipients are not required to negotiate fair share goals with EPA until May 27, 2011. Thereafter, Tribal and Insular Area recipients are required to adhere to the full requirements of 40 CFR, Part 33, Subpart D, as applicable.

A recipient of a Continuing Environmental Program Grant or other annual grant agrees to create and maintain a bidders list. A recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also agrees to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Refer to 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

4. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required. Only procurements with certified MBE/WBEs are counted towards a recipient's MBE/WBE accomplishments. A final MBE/WBE report must be submitted within 90 days after the end of the project period. Your grant cannot be officially closed without all MBE/WBE reports. EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the internet at www.epa.gov/osbp.

5. To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as

amended, the following provisions apply to this award:

- a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.
- c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

6. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI), National Business Center.
7. The recipient shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective 2 CFR 220, 225, or 230 (formerly OMB Circular A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.
8. In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423 (Strengthening Federal Environmental, Energy and Transportation Management dated January 24, 2007), the recipient shall use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.
9. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.
10. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

11. The recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

12. EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

13. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

14. Congress has prohibited EPA from using its FY 2010 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

Programmatic Conditions

P1. The recipient shall submit quarterly progress reports to the EPA Project Officer within 30 calendar days after the end of each quarter. Each report is due on the 30th day after the end of the quarter, i.e., January 30, April 30, July 30, October 30. The recipient shall submit a final report within 90 days of the end of the project period. The progress reports should include:

- a discussion of the activities conducted during the quarter (Include a comparison of actual accomplishments with the anticipated outputs and outcomes specified in the workplan),
- progress towards milestones,
- problems encountered with achieving outputs and outcomes, and their resolution,
- activities planned for the next quarter,
- a financial accounting of cost incurred during the quarter reporting period, and
- cumulative project costs (EPA and match amounts) since the beginning of the project, by task.

In addition, progress reports should identify any special EPA assistance needed, and an explanation of any cost overruns. The recipient will notify the EPA Project Officer if something materially impairs their ability to complete the tasks and deliver the products, outputs and outcomes identified in the workplan.

Within 90 days of the end of the project period, the recipient must submit 2 hard copies of the final report, documenting project activities over the entire project period and the recipient's achievements with respect to the project's purposes and objectives. The final report must also be submitted electronically (by email or on disk) to the EPA project officer.

P2. This grant includes the performance of environmental measurements. A Wetland Biological Assessment Quality Assurance Plan was approved by the Washoe Tribe of Nevada and California and EPA on May 30, 2003. However, there are new measurement activities which are planned which are not covered by the existing document; therefore, either a new QA Plan must be prepared or else the existing Wetland QA Plan must be amended or modified to reflect these new measurements. The recipient should consult with the Region 9 Quality Assurance Office to determine what type of QA documentation would be most appropriate and what QA guidance should be followed. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at 415-972-3411.

--End of Document--



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Assistance Agreement or Amendment

Enclosed is a signed Assistance Agreement or Amendment from the U.S. Environmental Protection Agency Region 9. Please review the entire document, including the terms and conditions, which set forth your legal responsibilities to EPA. For further information concerning administrative requirements, please refer to the Code of Federal Regulations and OMB Cost Circulars.

Within 21 days of receipt, please sign and date the FIRST page of the Agreement and send a scanned version of the first page to: GrantsRegion9@epa.gov. If you do not have access to a scanner, make a copy for your own records and mail the FIRST page to the following address:

U.S. EPA, Region 9
Grants Management Office, MTS-7
75 Hawthorne Street
San Francisco, CA 94105

As another option, you may fax the FIRST page to (415) 947-3556 with a cover page addressed to: Grants Management Office, MTS-7

We suggest that you make additional copies for your Project Manager, Finance/Fiscal Officer and any other personnel in your organization requiring information about the award.

If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grants Specialist. Both contacts are shown on page 1 of the award. You may also access our Region 9 website for additional information to help you manage your grant at:

<http://www.epa.gov/Region9/funding>

For information regarding payments and financial reports, please refer to the following website for the Las Vegas Finance Center:

<http://www.epa.gov/ocfo/financeservices/payinfo.htm>